

REFERENCE TITLE: developmental disabilities; separate budget unit

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HB 2344

Introduced by
Representatives McComish, Knaperek: Allen J., Jones, Konopnicki, Murphy,
Paton

AN ACT

AMENDING SECTIONS 35-101 AND 36-552, ARIZONA REVISED STATUTES; RELATING TO THE DIVISION OF DEVELOPMENTAL DISABILITIES OF THE DEPARTMENT OF ECONOMIC SECURITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 35-101, Arizona Revised Statutes, is amended to
3 read:

4 35-101. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Allotment" means the allocation of an appropriation or other fund
7 source over a full fiscal year within a budget program or expenditure class.

8 2. "Annual budget unit" means the following agencies:

9 (a) The department of education.

10 (b) The Arizona board of regents.

11 (c) Arizona state university.

12 (d) Arizona state university west campus.

13 (e) Arizona state university east campus.

14 (f) The university of Arizona.

15 (g) Northern Arizona university.

16 (h) The school facilities board.

17 (i) The department of economic security EXCEPT THE DIVISION OF
18 DEVELOPMENTAL DISABILITIES WITHIN THE DEPARTMENT OF ECONOMIC SECURITY.

19 (j) THE DIVISION OF DEVELOPMENTAL DISABILITIES WITHIN THE DEPARTMENT
20 OF ECONOMIC SECURITY.

21 ~~(j)~~ (k) The state department of corrections.

22 ~~(k)~~ (l) The department of juvenile corrections.

23 ~~(l)~~ (m) The Arizona health care cost containment system.

24 ~~(m)~~ (n) The department of health services.

25 ~~(n)~~ (o) The department of administration.

26 ~~(o)~~ (p) The department of transportation.

27 ~~(p)~~ (q) The judiciary, including the supreme court, the court of
28 appeals and the superior court.

29 3. "Authorized agent" means a commercial enterprise contracted to
30 process transactions on behalf of a state agency.

31 4. "Biennial budget unit" means any department, commission, board,
32 institution or other agency of the state organization receiving, expending or
33 disbursing state funds or incurring obligations against the state that is not
34 an annual budget unit.

35 5. "Budget estimates" means statements with accompanying explanations,
36 as provided by this chapter, in which a budget unit states its financial
37 requirements and requests appropriations.

38 6. "Budget program" means functions and activities of a budget unit or
39 within a budget unit that are preplanned to fulfill a distinct mission.

40 7. "Budget unit" means any department, commission, board, institution
41 or other agency of the state organization receiving, expending or disbursing
42 state funds or incurring obligations against the state. Budget unit includes
43 the annual budget units and biennial budget units.

44 8. "Cardholder" means any person:

1 (a) Named on the face of a credit card to whom or for whose benefit
2 the credit card is issued by an issuer.

3 (b) In possession of a credit card with the consent of the person to
4 whom the credit card was issued.

5 9. "Claim" means a demand against the state for payment for either:

6 (a) Goods delivered or, in the case of highway construction, goods or
7 facilities to be delivered ~~—~~ by the federal government.

8 (b) Services performed.

9 10. "Convenience fee" means an additional fee that is imposed by an
10 authorized agent on a web-based portal transaction for the acceptance of a
11 credit card that would not be charged if the same transaction were completed
12 by an alternate method of payment.

13 11. "Credit card" means:

14 (a) Any instrument or device, whether known as a credit card, charge
15 card, credit plate, courtesy card or identification card or by any other
16 name, issued with or without a fee by an issuer for the use of the cardholder
17 in obtaining money, goods, services or anything else of value, either on
18 credit or in possession or in consideration of an undertaking or guaranty by
19 the issuer of the payment of a check drawn by the cardholder, on a promise to
20 pay in part or in full at a future time, whether or not all or any part of
21 the indebtedness represented by this promise to make deferred payment is
22 secured or unsecured.

23 (b) Any debit card, electronic benefit transfer card or other access
24 instrument or device, other than a check that is signed by the holder or
25 other authorized signatory on the deposit account, that draws monies from a
26 deposit account in order to obtain money, goods, services or anything else of
27 value.

28 (c) Any stored value card, smart card or other instrument or device
29 that enables a person to obtain goods, services or anything else of value
30 through the use of value stored on the instrument or device.

31 (d) The number assigned to an instrument or device described in
32 subdivision (a), (b) or (c) of this paragraph even if the physical instrument
33 or device is not used or presented.

34 12. "Discount fee" means the fee calculated and charged by the credit
35 card issuer or a financial institution pursuant to an agreement for the
36 processing of any credit card transaction.

37 13. "Encumbrance" means an obligation in the form of any purchase
38 order, contract or other commitment which is chargeable to an appropriation
39 or any other authorized fund source and for which a part of the fund source
40 is reserved. It ceases to be an encumbrance when paid or canceled.

41 14. "Expenditure class" means one of the kinds of expenditure denoting
42 a class of services or commodities purchased or properties acquired as
43 specified in the classification of expenditures prescribed by the director of
44 the department of administration for use in expenditure accounting, in making
45 budget estimates and in the budget reports and budgets.

1 15. "Issuer" means any business organization, state agency or financial
2 institution, or its duly authorized agent, that issues a credit card.

3 16. "Prepayment" means the payment of a claim before receiving the
4 goods or services.

5 17. "Processing fee" means a fee charged by an entity other than a
6 credit card issuer or the processing financial institution to process a
7 credit card transaction.

8 18. "Purchase order" means a document that is signed by the appropriate
9 agency authorized signatory, that requests a vendor to deliver described
10 goods or services at a specific price and that on delivery and acceptance of
11 the goods or services by this state becomes an obligation of this state.

12 19. "Transaction amount" means the total amount due to the state for
13 any goods, service or license or anything else of value.

14 Sec. 2. Section 36-552, Arizona Revised Statutes, is amended to read:

15 36-552. Developmental disabilities function; expenditure
16 limitation

17 A. The department shall function as the developmental disabilities
18 authority for the state of Arizona. THE DIVISION OF DEVELOPMENTAL
19 DISABILITIES WITHIN THE DEPARTMENT SHALL OPERATE AS A SEPARATE ANNUAL BUDGET
20 UNIT FOR ALL BUDGETARY OPERATING PURPOSES AND FOR THE BUDGET PREPARATION AND
21 FISCAL PROVISIONS PRESCRIBED IN TITLE 35, CHAPTER 1.

22 B. ~~No~~ THE provisions of this chapter shall NOT be construed to give
23 the department control of lawful activities of other governmental agencies or
24 of activities of the universities or colleges of this state in the field of
25 developmental disabilities, unless by specific contract or agreement
26 therefor.

27 C. Subject to annual legislative appropriation and other available
28 funding, the department shall provide a wide variety of developmental
29 disability programs and services throughout the state in response to the wide
30 range of developmental disability conditions, the capabilities of
31 developmentally disabled persons and the presence of other handicapping
32 conditions for developmentally disabled persons.

33 D. The department may contract with other state agencies and with
34 private agencies to provide the developmental disabilities program or
35 service.

36 E. The total amount of state monies that may be spent in any fiscal
37 year by the department for developmental disabilities services pursuant to
38 this chapter shall not exceed the amount appropriated or authorized by
39 section 35-173 for that purpose. This chapter shall not be construed to
40 impose a duty on an officer, agent or employee of this state to discharge a
41 responsibility or to create any right in a person or group if the discharge
42 or right would require an expenditure of state monies in excess of the
43 expenditure authorized by legislative appropriation for that specific
44 purpose.